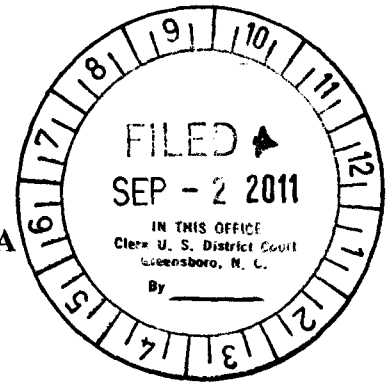


**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**



**ALLERGAN, INC. and DUKE UNIVERSITY,**  
**Plaintiffs,**

**v.**

**APOTEX INC. and APOTEX CORP.,**  
**Defendants.**

**Case No. 1:10-CV-681-CCE-WWD**

**ALLERGAN, INC. and DUKE UNIVERSITY,**  
**Plaintiffs,**

**v.**

**SANDOZ, INC.,**  
**Defendant.**

**Case No. 1:11-CV-298-CCE-WWD**

**ORDER CONSOLIDATING CASE NUMBERS  
1:11-CV-298 and 1:10-CV-681**

The Court has considered Plaintiffs' Consent Motion to Consolidate Case Nos. 1:11-cv-298 (the "Sandoz case") and 1:10-cv-681 (the "Apotex case") pursuant to Fed. R. Civ. P. 42(a) and the Memorandum of Law filed in support of the motion. For the reasons detailed in Plaintiffs' Motion and Memorandum, the Court finds that the Apotex and Sandoz cases involve common questions of law and fact relating to the claims of infringement and validity of the '404 patent, the '029 patent, and the '649 patent; that all parties to the two cases have consented to consolidation; and that consolidation will promote judicial economy and efficiency and will not

prejudice any party. The Court in its discretion therefore concludes that Plaintiffs' Consent Motion should be granted.

NOW, THEREFORE, it is ORDERED that:

1. Plaintiffs' Consent Motion to Consolidate Case Nos. 1:11-cv-298 and 1:10-cv-681 is **GRANTED**, and the Apotex and Sandoz cases are hereby consolidated for all purposes through trial;
2. The Court's Order approving Joint Rule 26(f) Report (Docket No. 28) and Notice of Hearing setting Jury Trial (Docket No. 33) previously filed in the Apotex case shall hereafter govern both cases subject to the following modifications: (1) the start date for fact depositions shall be moved from August 23, 2011 to October 21, 2011; and (2) the existing jury trial date set for October 1, 2012 at 9:30 a.m. shall be continued to a date selected by the Magistrate Judge following consultation with the parties.

This 2nd day of September, 2011.

  
UNITED STATES DISTRICT JUDGE